

-----Original Message-----

From: Surry Gardens [mailto:surrygardens@downeast.net]
Sent: Saturday, November 01, 2008 10:57 AM
To: Jennings, Henry
Subject: Fw: new laws

----- Original Message -----

From: "Surry Gardens" <surrygardens@downeast.net>
To: <henry.jennings@maine.gov>
Sent: Thursday, October 30, 2008 10:53 AM

>
>
> Dear Henry,

Oops I saw some unclear places---

>
> It seems to me that adding even tighter notification requirements for
> ground applications would be targeting many applicators unfairly.
> Applicators are already required to pass an exam and have a license, and
> yet any homeowners (with no license and in some cases with no brain) can
> apply just about any over the counter, or through the internet chemical at
> any time with no notice, no training, no exam and no license. This makes
> no sense.
>
> It might make more sense to limit over the counter (retail)pesticides to
> folks with no licenses to the ones with Warning or Caution on the label
> and not the Danger symbol. Similarly, it would make more sense to limit
> licensed applicators to give notice of ground applications only if the
> applied chemicals carry the Danger symbol.
>
> There are more over the counter retail chemicals being applied in most
> Maine counties by untrained, unlicensed people than by
> licenses applicators. The exception to this would be the rural farmland
> districts. If you look at the amount of pesticides on the shelves at
> Lowes, Home Depot and other retaile sellers
> it is scary. Especially when you REALIZE who ends up applying all that
> stuff!!! First and foremost, the laws that need to be tightened are the
> those than restrict retail chenical sales and home use by unlicensed,
> untrained weekend warriors.
>
> The proposed laws would make it okay for someone with no training, no
> license, and in some cases no brain to apply an over the counter Danger
> pesticide with no warning to his neighbor who might own a farm or nursery,
> while at the same time requiring the nurseryman/farmer to contact all his
> neighbors and give notice of application for a small application of
> roundup pro. This is ridiculous. Jim

Schlein, Paul B

From: Fish, Gary
Sent: Thursday, November 13, 2008 1:59 PM
To: Schlein, Paul B
Subject: FW: recertification credits

Please add the below message to the hearing record for Chapters 22, 28 and 10.

Gary Fish
 Manager, Pesticide Programs
 Maine Board of Pesticides Control
 28 State House Station
 Augusta, ME 04333-0028
 207-287-7545
 207-624-5020 fax
<http://www.ThinkFirstSprayLast.org>
<http://www.YardScaping.org>

"I want to rename "green." I want to rename it geostrategic, geoeconomic, capitalistic and patriotic. I want to do that because I think that living, working, designing, manufacturing and projecting America in a green way can be the basis of a new unifying political movement for the 21st century." - Tom Friedman

From: Glen Koehler [mailto:gkoehler@umext.maine.edu]
Sent: Thursday, November 13, 2008 11:29 AM
To: Fish, Gary
Subject: RE: recertification credits

Hi Gary –

1) Before we advertise sprayer tech workshops we need to know how many credits. Have you decided on number of credits? Workshop is full day. I'll check with Renae about when Highmoor could handle pre-registrations.

2) On another topic, I met with Pom Soc on Tuesday and told them about my discussion with you on proposed new spray drift rules. I told them there wasn't much to worry about, that the new regs mostly addressed aerial and that those that did affect ground application were not onerous. Specifically I said:

a) the site plan addition just meant they needed to grab aerial image of their farm from googlemaps or mapquest and circle sensitive areas, and add that to their pesticide record

b) that notification rules hadn't been changed just clarified, and that there were two tiers. People within sensitive area could request seasonal generic notification or 24 hour notice with details of each application.

c) I forgot about change in rules about definition of drift violation from comparative residues to reasonable estimate of harm, but I don't think that would have raised concern.

I'm telling you what I told them to see if missed or misrepresented any important points. If I did please let me know.

The Pom Soc Exec Comm. members did not have specific objections to proposed rules but asked me to represent the points shown below on their behalf at the hearing as Bangor is a drive for them. I don't know if I am allowed to do that as University employee. I'll check

11/14/2008

with Jim about that. Their points are:

- a) They don't know of any evidence that existing rules have led to problems with apple orchard applications.
- b) They don't see basis for increasing size of sensitive area radius.
- c) They can live with the 24 notification but any longer notification period would be unreasonable because their plans often change in response to weather.

3) I proposed doing a mock pesticide inspector visit as an education experience at twilight meeting next spring/summer. I'll include that idea in upcoming grant applications. In order to do a mock inspection I will need to sit down with you or somebody else at BPC to get list of things to check, recordkeeping required etc. Also a support letter from you or someone else at BPC for mock inspection would be helpful for grant application. But first I'd like to get you feedback on the idea.

- Glen

Glen Koehler

University of Maine Cooperative Extension

Pest Management Office

491 College Avenue, Orono, ME 04473

Tel: 207-581-3882

Email: gkoehler@umext.maine.edu

Web: PRONewEngland.org

Fax: 207-581-3881

What we call the secret of happiness is no more a secret than our willingness to choose life. - Leo Buscaglia

-----Original Message-----

From: Peter Aldridge [mailto:peter@hatchfarm.com]

Sent: Tuesday, November 18, 2008 8:02 AM

To: Jennings, Henry

Subject: Standard of Harm

Hi Henry

In reviewing the proposed rule changes I got to wondering about the organic farm standard of harm. In particular:

This standard shall apply only where, prior to the time the pesticide application occurs, the owner or operator of the organic farm or garden notifies the owner or lessee of the land to be sprayed, with such notice identifying the farm or garden as organic.

Since I don't necessarily know who might be leasing land near mine, nor do know, necessarily, what land is "to be sprayed" I see difficulties. I believe it should be acceptable to post land under Organic crop production in some manner with the onus on the applicator to read the notice.

P
:-)

Peter Aldridge
Hatch Knoll Farm
Wild Maine Blueberries
Jonesboro ME
www.hatchfarm.com
Phone: 207 434 2674

11/18/2008

Schlein, Paul B

From: Jennings, Henry
Sent: Wednesday, November 19, 2008 11:39 AM
To: Schlein, Paul B
Subject: Rulemaking Comments From Bruce Ballard

Bruce Ballard called today about the current rulemaking proceeding. Bruce is a custom applicator who sprays agricultural land with ground equipment. Bruce is concerned about the requirement to develop maps for each field. He currently keeps a loose leaf binder with a narrative description of sensitive areas surrounding each field, which he updates annually. In his narrative, he describes the location of the sensitive area also. Bruce states he's not much of an artist and he feels it would be quite a burden for him to develop maps for each of the fields he sprays.

-----Original Message-----

From: Katherine Fiveash [mailto:katherine.fiveash@yahoo.com]

Sent: Wednesday, November 19, 2008 11:50 AM

To: Jennings, Henry

Subject: Board of Pesticides Control Public Hearing, Friday, November 21st

Dear Mr. Jennings,

I am an organic gardener from Isle au Haut Maine. I am not able to attend the meeting this Friday. I support the proposed changes to the state rules defining and regulating pesticides applications, specifically on Chapters 10, 22 and 28, which define sensitive areas, set standards for minimizing pesticides drift, and establish procedures for public notification about imminent pesticides spraying.

Sincerely,

Kathie Fiveash

-----Original Message-----

From: Ric Mallamo [mailto:ric.mallamo@gmail.com]
Sent: Wednesday, November 19, 2008 12:48 PM
To: Jennings, Henry
Cc: mofga@mofga.org
Subject: RE BPC Rule Changes

Mr. Jennings,

As a MOFGA member, and as a consumer who is only interested in purchasing organic food, I will naturally be in favor of any rule changes that REDUCE OR ELIMINATE the use of pesticides in Maine. I therefore support, with some reservations, the changes you are proposing. It's a small step in the right direction.

Moving forward, however, there is another, possibly less contentious aspect of pesticide use I urge you to consider.

Numerous experts point to late 2005 as the period when, globally, the planet reached the "peak oil" mark. I would expect that you are familiar with the concept of peak oil, at least in general terms.

(Don't let the current drop in oil prices fool you; the long-term trend will be up -- way up -- and global oil reserves will continue to decline.)

The implications of this event are profound for farming. In short, as we move into the future, all fossil-fuel based amendments will become increasingly expensive and/or limited in availability. Therefore, the sensible thing would be for the state of Maine to put into place a program, using rules as incentives where appropriate, to assist farmers to transition to completely organic methods, moving away from the current methods which will be increasingly costly and unreliable, particularly for small family farms. I, for one, wish to see such farms thrive, and for there to be more of them. (The large agribusiness concerns, on the other hand, are doing everything in their power to destroy such farms.)

Now I realize that your agency is merely charged with regulating pesticide use, not developing the more holistic views. Still, I would urge your agency to work with others on a more comprehensive view to the future of farming in Maine, one that will return health to our soil, our foodstuffs, and our people. Pesticide use is a dead end, in more ways than one.

Yours,

Richard Mallamo
10 Bradbury St
Belfast ME 04915

-----Original Message-----

From: LESLIE SCHNEIDER [mailto:gls7@verizon.net]

Sent: Wednesday, November 19, 2008 10:58 AM

To: Jennings, Henry

Subject: spraying is OK

Dear Mr. Jennings,

I think that aerial spraying should be allowed in Maine. We need to have our blueberry industry allowed to survive and as a gardener I believe that the use of herbicides, pesticides and chemical fertilizer are all needed. We grow high bush blueberries for our own consumption and use both round up and 10-10-10 petroleum based fertilizer.

We live in blue berry country in Hancock County and feel that the spraying we see each Summer is done with limited over spray on relatively calm mornings. The sprays all cost money. It is not in anyones' interest to have overspray that gets beyond the targeted crops.

Respectfully,

Gardiner L. Schneider
429 Reach Road
Sedgwick, ME 04676
359 8908

11/19/2008

Schlein, Paul B

From: Jennings, Henry
Sent: Wednesday, November 19, 2008 1:25 PM
To: Schlein, Paul B
Subject: Verbal comments from Charlotte Wasserman

Charlotte Wasserman from Penobscott called today to offer some thoughts about the current rulemaking proceeding.

Charlotte opposes spraying of blueberries. She points out that Maine has a very vibrant organic farming movement, and she prefers to see growers adopt organic practices. In the long the run, any yield losses would be off-set by the organic price differential. Charlotte voiced concern about spray drift affecting children and other nearby residents.

-----Original Message-----

From: Amy Krietz [mailto:psylew@gmail.com]

Sent: Wednesday, November 19, 2008 10:04 PM

To: Jennings, Henry

Subject: Minor comment on Chapter 22

Hiya!

I was reading through the proposed revisions to the pesticide application related codes in Maine (mostly for fun - yes I know I'm weird), and I noticed that in Chapter 22, subsection 3(B)(III) "The site plan and site map with identified sensitive areas" the "sensitive areas" should be initially capitalized for standard language.

Have a spiffy day!

Amy Krietz :-)

-----Original Message-----

From: Amy Krietz [mailto:psylew@gmail.com]
Sent: Wednesday, November 19, 2008 11:03 PM
To: Jennings, Henry
Subject: Re: Minor comment on Chapter 22

Hello again!

Completely unrelated to editing, but I'm just curious. In Chapter 28 Section 2(A)(3) states that "The effective period of the registry will be from March 1 to February 28 of the following year." ...Why it's the February/March divide used for the effective period? Is it excluding 1 day each leap year just for fun? :-)

Also, 28 Section 1(C)(2)(b) "The Sensitive Area Likely to Be Occupied occupant" would read more easily as "The occupant of the Sensitive Area Likely to Be Occupied". Not that it especially matters, it's just awkward.

Oh, and I noticed your numbering is different from Chapter 22. The 3rd level of numbering in Chapter 22 was in capital roman numerals rather than revisiting arabic numbers. Also not especially important, it just seemed a little odd.

Hope you have a spiffy day!
Amy Krietz

-----Original Message-----

From: Nancy Oden [mailto:cleaneearth@tds.net]

Sent: Thursday, November 20, 2008 4:38 PM

To: Jennings, Henry

Subject: Statement to BPC

Dear Director Jennings: Please read this for me at tomorrow's Public Hearing on aerial spraying of pesticides. Thank you.

- Nancy Oden, Jonesboro

To the Pesticide Control Board:

This Public Hearing should have been held where the most aerial spraying takes place--Washington County--not in Bangor since that's a 200-mile round trip for us. You get paid for travel; the public does not.

The Board has blithered and dithered about aerial spraying for at least 15 years now, ever since we submitted a Rule to ban aerial spraying which the Board ruled against.

Rules mean nothing to sprayers on the job. When they're up here to spray, they spray, high wind or not. Rain or not. Lots of fruit flies or not. Spraying is done, as they will tell you, just in case there might, possibly, maybe be some sort of problem. They do it because they make money charging small growers for spraying their fields. It's a profit center.

Notifications mean nothing. I'm on the notification list and Allen's, for example, will call and say they're spraying the next morning. So I call my neighbors, shut my windows, bring my animals in, and stay inside. But if the sprayers don't get to it that day, they do it the next day without notification, when people are out gardening, children playing in their yards, domestic animals outside, bees flying, and everyone and everything gets to breathe in pesticide poisons - - just for the profit of a few growers.

Aerial spraying is NOT the problem, the problem is the use of pesticides at all, especially when there are perfectly good and profitable means of growing organic blueberries and all other crops without the use of poisons, which contaminate our waters, woods, wildlife, fisheries, and people.

Is it still necessary to keep sending you scientific studies that come out week after week showing how much harm pesticides are doing worldwide to all life on Earth? Do Board members read the EPA labels and Material Safety Data Sheets before you approve new pesticides?

I've seen little evidence that you people on the Board know much of anything about the pesticides you so blithely approve for use in Maine.

Is it because so many of you are either pesticides users and pesticide applicators yourselves, or that your University research depends on money from chemical companies?

I keep looking for logical reasons why pesticides are still permitted to be applied, not only aerially, but across the State in schools, people's apartments, front yards, parks, and where we live right next to so-called "wild" blueberry fields.

But there's no logic to it - - only a group of people - you, the Board - clearly beholden to the chemical industry, not the public health or the common good.

Time to eliminate the Pesticide Control Board and put pesticides with other toxic chemicals - under the Dept. of Environmental Protection - so we can eliminate the special interests from making decisions on your own profits.

Instead of poisoning all and sundry, which surely no one has a right to do, if the Board would concentrate on organic amendments and repellants, that would be genuine public service. I strongly suggest you do so, especially since resistance to

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continued poisoning of Earth and all its creatures is growing - - and we're not going to tolerate special interests profiting at the expense of our health much longer.

- Nancy Oden, Jonesboro, in the path of the poison sprayers and determined to stop them

-----Original Message-----

From: holly twining [mailto:hollyshelf@hotmail.com]

Sent: Thursday, November 20, 2008 3:12 PM

To: Jennings, Henry

Subject: pesiticides

Good afternoon Henry. I am unable to attend the meeting this Friday focusing on pesticides. Here is an online comment for you to consider: As an advocate for wildlife and specifically, birds, any reduction or ban on aerial spraying is imperative for the survival of birds that inhabit blueberry barrens. The barrens supply great habitat for both adult birds and the young. Obviously there is also risk involved for the health of the human population as well. There's nothing safe about pesticides, the less, the better. Please look to more stringent rules for any application of pesticides.

Thank you for your time,
Holly Twining
Orono, ME

Schlein, Paul B

From: Jennings, Henry
Sent: Thursday, November 20, 2008 7:54 AM
To: Schlein, Paul B
Subject: FW: Pesticide Regulations

-----Original Message-----

From: vicki vadas [mailto:vadasfamily@hotmail.com]
Sent: Wednesday, November 19, 2008 8:34 PM
To: Jennings, Henry
Subject: Pesticide Regulations

we border a large tract of blueberry land which uses many chemicals in the production of blueberries. Please allow us as much protection as possible from the use and spraying. In the past we have had damage to our border of trees and shrubs. We got help from the state and the spraying was changed. We have ongoing concerns due to run off from the rain as much of the water goes thru our land. We hope you will continue to work to protect us, our pets, our land and landscape from improper use and practice. sincerely, Vicki Vadas

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-----Original Message-----

From: David J. Holmes [<mailto:wolfscrag@uninets.net>]

Sent: Thursday, November 20, 2008 9:00 PM

To: Jennings, Henry

Cc: rlibby@mofga.org

Subject: Re: Aerial Spraying

Dear Mr. Jennings,

I realize you probably won't see this before the hearing but I would like to make one point. The combined research of many of the "chem-trail" websites shows that there is a myriad of substances being sprayed all over the world now, from heavy metals and electrolytes to biological pathogens. Maine citizens, you and your family included, don't need this and should not permit it. Might it be possible that there are pesticides, too. Possibly, if you looked into it, you might find something that could put it into your jurisdiction. Aerial spraying of any kind violates the right of man and is in the same discussion with pesticides, blueberries and pollen drift.

Thanks for your time.

Sincerely,
David Holmes

On Nov 20, 2008, at 2:18 PM, Jennings, Henry wrote:

Dear David:

Thank you for your email about pattern spraying. Unfortunately, this Board only has jurisdiction over aerial spraying of pesticides. We do not have any information on the spraying you refer to, nor would our proposed rules have any affect.

Sincerely,

Henry Jennings
Director
Maine Board of Pesticides Control

-----Original Message-----

From: David J. Holmes [<mailto:wolfscrag@uninets.net>]

Sent: Thursday, November 20, 2008 12:08 PM

To: Jennings, Henry

Cc: rlibby@mofga.org

Subject: Aerial Spraying

Dear Mr. Jennings,

I m writing this letter to bring up the subject of high level spraying

11/24/2008

over the state of Maine, particularly the central Maine area where I live. Since this is a hearing on aerial spraying not just pesticide, i feel this is the proper venue for a discussion on this subject. Over the past summer, there have been numerous instances of pattern spraying from airplanes. Most of the periods were on Sundays beginning on the Sunday of Memorial Day weekend, and continuing on and off on Sundays for the rest of the summer and very few on an occasional weekday.

Without getting into personal observations and health issues I want to know the following as I will bring this issue up at the hearing on Friday.

Whose airplanes are they ?
Why and what are they spraying ?
Who authorized this spraying over
the citizens of Maine without their consent ?

I have photographic documentation. I do not want to see or hear anything about " con(vapor))-trails " and I want to know the truth. At the least, flight plans must be filed somewhere.

If you want some other documentation prior to the hearing , a search on the internet (Chemtrails) will bring up over 400,000 selected sites.

Sincerely,
David Holmes
Plymouth, Maine

-----Original Message-----

From: Look, Cindy L.

Sent: Friday, November 21, 2008 10:52 AM

To: Jennings, Henry

Subject: aerial spraying

Good morning, I was unable to attend the Friday meeting in Bangor that was held recently. I want to state my concerns. I have concerns about all aerial spraying, there is a major land owner who sprays to kill everything but soft wood. I worry about drift, runoff into the streams etc. My parents and I have land 'abutting'. When the law was changed that we had to let the people spraying that we wanted to know when they sprayed, and 2 years in a row, they DID NOT do this. This is very concerning. We should be notified without having to get on a list, even with this list we were NOT notified, so this clearing does not work very well. One story I have is the spray plane went over my parents house, my dad went out take a picture, he was seen by the pilot, [because this was clearly NOT acceptable], and it didn't come back over until the end of his spraying, when the plane 'bussed the house'. So, how unprofessional are some of these spray people? I know people who have been sprayed and now have ongoing medical problems. Buffers don't always work. Cindy Look
Contact information: home number 483-6053....work # 255-2051.....home address 5 Look Lane, Columbia Falls Maine 04623

**ACADIA AREA ATV'ERS
P.O. BOX 5657
ELLSWORTH, ME.
04605**

Nov. 21, 2008

Dr. Carol Eckert,


My name is Peter Poors, and I represent the Acadia Area ATV Club based in Trenton, Maine. We are a family oriented group, with a current total of 342 members, thank you for taking time for us.

Our relationship with the growers in our area has always been a cordial one, and we strive to post the trails and keep riders on the specified areas and not through the crops.

It is our belief that by making the proposed changes in Chapters 10, 22, and 28 will result in considerable hardship and difficulty to those growers, with the loss of all the recreational trails used by not just us, but hundreds of other riders and snowmobilers as well. This would cause a ripple effect of adverse economical conditions to the destinations these folks go to.

We believe these changes to be unnecessary and would ask to maintain the status-quo as the current rules are working well.

Thank you for your time.



Peter Poors , president

Acadia Area ATV'ers

23 Poors Way

Ellsworth, Me. 04605

667-2052

-----Original Message-----

From: The Verrills [mailto:verrill@exploremaine.com]

Sent: Thursday, November 20, 2008 8:29 PM

To: Jennings, Henry

Subject: Board of Pesticides rule changes

Dear Mr. Jennings,

On our November election day the United States public clearly made a point as they voted that we want change, and we need change. My belief is that the voters are not just concerned with how our government operates but in how it is going to work for and protect the majority of the American people.

Being one of the majority my hope is that government will work to restrict all use of pesticides, chemicals and untested genetically modified products. No longer should the public be exposed unwillingly and unknowingly to health threats.

As it has been presented each pesticide, each chemical and all genetically modified products may not be harmful in small dosages, but the truth is... that we have now gotten to the place in time where we are being saturated with small doses of very harmful mixed chemicals.

As for genetically modified products, the educational material available overwhelming points to multiple threats to our environment, human health risk and the freedom of uncontrolled farming in the future. The profits of over barring cooperation's should not be put before the welfare and security of our world, our human race and the desires of small communities.

We do not have to read far back in history to find examples of the kinds of loss and suffering that are created by blind acceptance of chemicals and products that are later found to be detrimental to some form of life.

Starting now we should be proactive, truly question, research and demand full disclosure of all products that present the smallest possibility of danger to humans, animals and the environment.

I hope you can represent a part of what the public is asking for; change in the way government pursues and works for the majority of the United States.

Thank you for your time.

Sincerely

Patricia Verrill

P.O. Box 163

West Paris, Me 04289

NOV 25 2008

Henry Jennings,
Director Board of Pesticides Control,
28 State House Station,
Augusta, ME 04330-0028

22nd November 2008

Dear Mr. Jennings,

I was unable to attend the recent Board of Pesticides Control Public Hearing at the Bangor Motor Inn but I wanted to add my support to the proposed changes and offer my brief experience with pesticide drift problems.

My family and I have seven acres of organic low-bush blueberries in Cherryfield, ME. The land that abuts our field recently sold and the new owner wanted to clear the woods and develop his own 20 acre conventional blueberry field. As we would have had a shared field boundary of about 500' his spray applications would have rendered a good part of our field conventional. The onus to create a buffer was on us even though we had an established field prior to his arrival and, more importantly, our farming practice would not interfere with his whereas his proposed farming practice (spray) would interfere with ours. Not having a legal cast of mind I contacted various other people and found out that there was nothing I could do except discuss the issue with the new landowner.

Fortunately, after much discussion the new owner generously agreed to leave a strip of woods between our fields thus solving the problem. However, this brief experience leads me to think that there is a definite need for clearly defined buffers (and a designation of who must maintain them).

In looking over the proposed changes to Chapter 22, I see that there is a move to quantify harm done to organic growers but I don't see the delineation of buffers between conventional and organic fields addressed. As it stands all of the buffer responsibility lies, unfairly as I see it, on the organic grower.

I am writing to ask you to consider addressing this important issue.

Yours Sincerely,

Hugh Lassen

Hugh Lassen



-----Original Message-----

From: Litltrader@aol.com [mailto:Litltrader@aol.com]

Sent: Saturday, November 22, 2008 9:36 PM

To: Jennings, Henry

Subject: spraying

hello I have been reading about health concerns about arial spraying and I wish I also could attend the meeting but the distance does not allow.its not only a problem with blueberries.3 yrs in a row myself ,wife and child have been sick with the effects(visible) related to spraying in northrn me from ariel spraying of brocolli fieds next to my property.they spray in 20 mile winds, foggy mornings, and last time while the children waited roadside for the school bus.it seems to me it can be arial or spray coupes it makes no difference.farmers that apply chemicals need to be certified and they joke about it after. who checks randomly to see if it was mixed properly?I live on 100 acres with no farming and my vegi garden, animals and my familys health is all being effected.I recently had new neibors down the road move here from new york which held applicator licence and cant believe how lax me is.they say no surprise we have such a high rate of cancer, its not rocket science.the chemicals are available to most anyone wether you know how to apply them or not.god help anyone who steps on the farmers toes,its time people smarten up.its not only our air its our water and we have as much rite in this state as the farmer.we are definately behind the times

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-----Original Message-----

From: Knadler Real Estate [mailto:melodyknadler@yahoo.com]

Sent: Saturday, November 22, 2008 10:17 AM

To: Jennings, Henry

Subject: spraying

Dear Henry,

Just wanted to put my 2 cents in regarding the spraying.

I think we have enough rules to follow and it doesn't make sense to put in jeopardy the snowmobile industry along with small bb farmers. I think we should encourage all organic farming but not at the expense of farmers that are actually producing the majority of food for the county.

Thank you for your consideration.

Ted Knadler

Knadler Real Estate

PO Box 67

Aurora, ME 04408

207-584-3876

e-mail: buy@knadler.com

-----Original Message-----

From: Ronnie [mailto:rons60mail@pioneerwireless.net]

Sent: Sunday, November 23, 2008 6:42 PM

To: Jennings, Henry

Subject: Fw: Aeial Spraying of pesticides

----- Original Message -----

From: [Ronnie](#)

To: henryjennings@maine.gov

Sent: Sunday, November 23, 2008 6:12 PM

Subject: Aeial Spraying of pesticides

Henry Jennings I am writing you in reference to this issue as i am one of the unfortunate reciepients of pesticides and am highly opposed to a reinstatement of blueberry growers being able to once again use this practice as they DID then [a few years back and i see no concievable improvment that they the growers WILL do anthing any different than they did before]Darin Harmond said.others said the proposed notification rules would be most problematic for larger operations with many neighbors- such as Aroostook County! What about WASHINGTON countyCharlotte Maine Where for 3 years we could not raise a garden or even a lawn because their overspray KILLED everything greenin my yard i complained to your office along and i believe until i pushed this issue along to OLIMPIA SNOW my comoplaits were frevious THIS issue i complained that Cherrifieldfoods Sprayed over my property and as they are still trieing to convince everyone they are DOING IT RIGHT BY THE LAW GUESS what the SPRAY ACTUALLY BURNED MY BARE SKIN AND CHOKED M E UP SO bad my wife was preparing to take me to the hospital Well after talkein with your office a man ibelive his name was BOBinvestigated the issue and final results shoded my property was exposed to 51% overspray NOT JUST A FEW PARTSB PER MIL> AS what would be exceptable by the laws then THIS waas with a 200 foot buffer SO even with a 700 foot buffer and their persistance to use this practice it proably wont matter you see weather may force lastminute here on topof Conans Hill Charlotte WE always have windy conditions and if their flite approach is too short they prematurely introduce spray allowing DRIFT everywhere!I have awhole host of pictures to proove my garden this year and will share with anyone to show what NO AERIAL SPRAYING has given us Back I intend to Get in touch with Olimpia again as she needs to know Whats going on Also i need to impress upon you people we had people like THE presidents son OF Machias SAVINGS BANKcome to

11/24/2008

our house approaching my wife giving her a ration of crap [APARENTLY HE WAS EMPLOYED BY THEM because we complained of this issue At least should i say the office of Cherryfield foods told us this was who paid us the visit At any rate I OR MY FAMILY WILL not be intimidated by them or any one else. BUT i will express my issues and Stand firm i DID NOT APPROVE THEN AND I CERTAINLY DON'T APPROVE NOW also i am appauled that the time frame for comments will be approved ONLY to DEC 10 as LIKE before SURPRIZE IS THE ELEMENT OF SUCCESS especialy when it MIGHT be SOMETHING that misinformmed people or maybe NOT informed at all wouldn't have time to act in behalf of the safety and welbeing of maybe alot of people My neighborhood consists of about !4 homes with a mile and half radius and several have or have died of cancer COINCIDENT? i think not Show Me otherwise!!!! I have all the documentation of these results and PRAY you have been influenced maybe even a little into reconciterring These REquests of these unreasonable Farmers who apparently have only one goal reduce expenses AT ANY OR ANYTHINGS COST. VERY RESPECTIFULLY Ronald WAS POBOX 297 pembroke Maine 04666 {now 1369 AYERS JUNCTION Pembroke Maine 04666 Tele 207 433 0585

-----Original Message-----

From: Terry Johnston [mailto:broacres@roadrunner.com]

Sent: Monday, November 24, 2008 7:53 PM

To: Jennings, Henry

Subject: more area in borders

Dear Sir,

I am an organic grower. I would like to express my concern about strong pesticides being used with small borders. I have work very hard to keep our farm organic. I want it to stay that way, but if these pesticides don't get increase border protection, than I am in jepordy of losing all that I have worked so hard for.

Please push for more distances in these borders to protect Maine Farms from drifting pesticides.

Thank you.

Broken Acres farm

Terry Johnston

11/25/2008

-----Original Message-----

From: bill Spiller [mailto:spillerfarm@juno.com]

Sent: Tuesday, November 25, 2008 8:13 AM

To: Jennings, Henry

Subject: Pesticide regulations

Mr Henry Jennings, Maine Board of Pesticide Control

I have read of the proposed changes in the pesticide drift and notification regulations. I also received an e-mail from Mofga about their concerns. My wife and I run a small fruit and Veg farm in Wells, Maine. Route 9a runs down the middle of the farm and most of the best ag land is adjacent to the road. A two hundred foot buffer from this road would take out most of our early production land. Some of the crops in this belt are raspberries, apples, blueberries and strawberries. I can't move these crops even if I had a suitable site to move them to. We use low risk materials whenever possible and the University of Maine IPM program on all our crops. I think that the effects of these should be taken into consideration in any rule making decisions rather than figuring that all pesticides are equal in their adverse effects.

As to notification I am more than willing to discuss my management with anyone who has concerns and work with them to minimize those concerns.

Because we grow so many different crops, each has a different management plan and changes in the weather and crop pests we are treating something almost every day during the growing season. I think my neighbors would get upset if I showed up on their doorstep at 4:30 every morning to inform them of my daily work schedule.

I would expect that organic growers, landscapers, MDOT, and homeowners are subject to the same regulations. Organic growers are using Pyganic, Entrust, Oxidate, Sulfur, Clove oil and other certified organic pesticides which should be held to the same standards and regulations as other products. If this is so, several of the organic growers that I work with would be affected as much as I would be by overly restrictive regulation. Saying all of this I encourage regulation to make pesticide use safe and effective.

Thank you for considering my concerns:

Bill Spiller

-----Original Message-----

From: Arleen Trudel [mailto:starsledogs@tds.net]

Sent: Tuesday, November 25, 2008 12:52 PM

To: Jennings, Henry

Subject: PESTICIDES & AERIAL SPRAYS

Mr Jennings;

Our earth & it's waters are becoming frightfully contaminated with antibiotics and pesticides and agricultural pollutants.. the wild denizens are silent victims... but I have a voice... & am urging that we humans, at every possible opportunity, take away from the mess of toxins, rather than add to it.

Sincerely, Arlene Trudel

-----Original Message-----

From: Wendell [mailto:wcaler@207me.com]

Sent: Tuesday, November 25, 2008 4:06 PM

To: Jennings, Henry

Subject: pesticed rule change

I am mailing comments on the rule change: but here is an email

Wendell H. Caler
62 Caler Rd
Centerville, Me 04623
207-483-2936

Henry S. Jennings, Dir.
Maine Board of Pesticides Control
28 State House Station
Augusta, Me 04333-0028

Dear Mr. Jennings,

This letter is a written comment on the proposed rule changes to chapters 10, 22, and 28.

I am opposed to the rule changes that have been brought forth for the following reasons:

1st, they seem to be initiated by groups that are against any form of spraying and their intent is to be the first step into eliminating spraying.

2nd, I feel the board has good regulations in place as it is and that buffer zones are an illegitimate reasons to take good farm land out of service. The zero tolerance is a bit much and why do we need it since it is already illegal to drift spray onto non-target properties? The expanded notification puts a great burden on a spray crew to notify homeowners at the recommended distances.

Realizing that there may be issues in densely populated areas or very specific situations, I would ask the board to take a closer look and work with agricultural groups to find better solutions than what appears to be a blanket policy. One example, IPM Programs, call for a perimeter spray. You are, in essence, disabling this.

Sincerely,

Wendell H. Caler
Cc: Maine Farm Bureau
Maine Blueberry Commission

11/26/2008

Kristian Kangas
247 West Street Ext.
Rockport, ME 04856

ATTN: Dr. Carol Eckert
Board of Pesticides Control
28 State House Station
Augusta, ME 04330-0028

November 20, 2008

Dear Dr. Eckert,

On behalf of the Knox County Blueberry Growers Co-Op, I am submitting our concerns over the changes to the outdoor pesticide applications.

We are a group of 18 blueberry growers in the Mid-Coast area. Most of us are several-generation wild blueberry growers. This is our heritage, love for the land, and concern for the environment. We have been very active through the years modifying our practices through ICM and IPM guidelines. It is our duty through stewardship to keep these wild open spaces productive for one of Maine's greatest benefits.

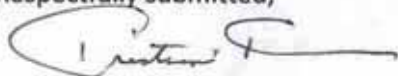
Independently and as a group, we follow the label of application of products used, existing buffers respected, and notifying neighbors when necessary. Our primary concerns are clean air and water for us and future generations. We have undertaken mowing practices, when allowed, rather than burning. Our ICM/IPM practices have helped reduce many of our material usages.

We feel the cry for these new regulations are from anti-farm/anti-pesticide concerns. Many want to use our vast acreage for personal use, due to the fact we are the only open spaces left in our region; many recent developments and homes have anchored close to our blueberry property lines, enjoying the beauty; but they do not like or respect the fact that pesticide usage is necessary to exist in providing our crop to the public.

These new setbacks will severely damage our ability to grow our crop and will ultimately result in closing the operations in many of our fields. Please understand the impact this will have on our family farms – some may even cease to exist. We all want a safe environment, but within reason of what we feel are excessive restrictions.

A public education of what we do, what products are applied and why, should be the focus of your decision.

Respectfully submitted,



Kristian Kangas, Secretary
Knox County Blueberry Growers Co-Op

Cc: Gwen Brodis, Richard Brodis, Jacob Boyington, John Boyington, Obed Hart, Donald Burke, Karl Guenzel, Michael Hoppe, John Lane, Gary Masalin, Laurence Pease, Vernon Pease, Jay Stewart, Brian Powers, Scott Bissett, Wayne Cunningham, Joel Morse

-----Original Message-----

From: Peter Aldridge [mailto:peter@hatchfarm.com]

Sent: Wednesday, November 26, 2008 8:59 AM

To: Jennings, Henry

Cc: Hugh Lassen

Subject: More Comments

Hello Henry

Here is our (hopefully) final shot on the subject of the draft Aerial Spraying regulations.

Enjoy, and happy thanksgiving!

Peter & Debbie

Peter Aldridge
Hatch Knoll Farm
Wild Maine Blueberries
Jonesboro ME
www.hatchfarm.com
Phone: 207 434 2674

Peter and Deborah Aldridge
Hatch Knoll Farm
29 Hatch Knoll Rd
Jonesboro ME 04648
207 434 2674



Further comments on Aerial Spraying 11-22-08

Dear Henry, Board and Staff

Thank you for your efforts at yesterday's Hearing. We are glad it did not go on too long – at least you were able to get back to base before dark!

On listening to all that was said – or as much as we could hear anyway – we thought we would offer a few further observations to add to the stack:

General

1) Some mileage was made with the statistics on enforcement actions over the past several years, basically asserting that since there are not very many of them then there isn't much of a problem. Of course this is an argument that holds no water. The issues that give rise to complaints and concerns – essentially the interaction of aerial spraying and people, are not generally covered in the current rules in any easily enforceable way, hence not much enforcement. If they were covered there would indeed be no need for changes.

2) There was also an attempt to present the issue as one of organic vs. conventional farmers, which seems misplaced. Organic farmers are concerned, yes, but are a tiny fraction of the population of concerned citizens. And many organic farms are pesticide applicators, subject to the same rules as anyone else.

3) The Blueberry Commission representative was concerned that the regulations do not take into consideration the toxicity of the various materials, which is a valid point. It may be radical, but it seems at least possible to consider structuring the rules such that the more restrictive provisions only apply to Restricted Use materials. This would take advantage of the EPS' existing system for classification, and would provide an inducement to users to consider more benign materials such as those listed by OMRI.

Chapter 10 – Definitions

1) We believe that there should be one further example of a SALO – that would be an area "actually occupied" even if, in general terms, it isn't "likely" to be occupied. Let us imagine, for example, that a group meets in a field to hold some sort of gathering. Perhaps they camp there. This field is not a "maintained recreational area", but it is, during this event, occupied. A

landowner should be able to serve notice on property holders within 1000 feet declaring this area occupied for a defined period, during which the area would have to be considered a SALO.

2) There was much discussion about closing down trails and stopping public access to private land due to the inclusion of “Public Roads” in the SALO schedule. We are assuming we can discount concerns about snowmobile trails – there is not much agricultural spraying done when there is snow in the ground. We propose, at the risk of adding complexity, that the definitions be modified by adding the qualifier:

Public Roads on private lands, including recreational trails, may, at the choice of the landowner, be:

- a) Considered Public Roads and therefore SALOs.*
- b) Considered Recreational Area SALOs and posted as such.*
- c) Closed for the duration of the application and re-entry period thereafter.*

A Trail or Recreational Area entirely on private land could be deemed “closed” by means of suitable notices at regular intervals, rather like “posted” no hunting notices.

Chapter 22 – Standards

1) The “Edge Treatment” issue

The argument has been advanced that effective fruitfly treatment in blueberries with minimal pesticide usage is prevented by the imposition of a 200 foot buffer to SALOs.

The authority for this concept is Blueberry Fact Sheet 201 –
<http://wildblueberries.maine.edu/PDF/Insects/201.pdf>

Fruitfly infestations occur when the adult flies emerge for the ground where they have overwintered as larvae. The larvae in turn have dropped to the soil from a berry infested during the last year (in 85% of cases; the remaining 15% can emerge in the second or a subsequent year after infesting a berry). Flies then enter fields, and typically do so from the edges. They do so because any particular field on a conventional two-year crop cycle will not have had fruit in the interior of the field the last year, thus there is little source of infestation within the field itself.

So the first issue is whether or not the SALO being protected is a plausible source of fruitfly infestation. Normally one uses edge treatments only where a field is bounded by woodland or another blueberry field in the alternate crop cycle. According to Frank Drummond at UMAINE a road is not much of a barrier to fruitfly migration, though modest fences or hedges can be. In any event the point is irrelevant unless, right across the road, is another blueberry field **in the alternate crop cycle**.

The second issue is what is meant by “edge treatment”. Fact Sheet 201 states : Typically, the majority of the fly population remains within 50 feet of the field edge and recommends an air-blast sprayer to edge treat for this purpose. In private conversation Dr Drummond has recommended treating a 50 to 100 foot strip if using ground application. This raises the question of whether it’s

actually meaningful to talk about “edge treatment” and aerial application in the same breath. Certainly it appears that minimum pesticide use is likely to be achieved using a narrow strip and **ground** application, rather than aerial, and so if minimal pesticide usage was the goal then the proposed regulation changes regarding SALOs have no relevance. (This is assuming that it is impracticable to treat a narrow strip accurately aligned with a road edge from the air without the spray impinging on the road itself).

On balance we believe the concerns expressed about loss of cropland due to loss of edge treatment opportunity to be exaggerated. We are left worrying about those fields that are directly across an unfenced road from another blueberry field in the alternate crop cycle and having terrain such that ground application is not practicable. We also believe any field capable of being harvested can also have a ground application of pesticide, even if by back-pack.

2) The Standard Of Harm

One concern we have with the zero threshold is that in some cases it may well be possible to measure a background of some of the commonly applied chemicals before anyone has done any (new) spraying. It would require research to establish if that was the case.

Having said that, if other states can live with zero, it remains the only valid answer until someone can (scientifically) prove what levels are harmless.

Otherwise we suppose the unscientific 20% figure could simply be dropped to a more reasonable sounding 5%.

Chapter 28 - Notification

The conundrum is that applicators are convinced anyone that wants to be informed will contact them, while the public in general has no idea it can do this or how to do it or who to contact. And of they are new residents they may be unaware of any local pesticide use to even think about.

Here is our suggestion – the Board should establish and publicize a registry by zip code. Anyone in the State that wants notification of pesticide application can register with the board who will make the registry available on line to licensed applicators. An applicator then must, rather than individually contact each resident within 1000 feet or any other distance, check those zip codes that impinge on the area to be sprayed, and obtain a list of any residents in those areas that want notification, which he shall then provide. This is somewhat analogous to the “do not call” list and has the advantage that concerned citizens have a much more likely chance of discovering a central registry than discovering any number of nearby potential pesticide applicators.

There you have it – thanks again for all the hard work.

Sincerely,

Deborah & Peter

-----Original Message-----

From: ea pie [mailto:vaaquis@hotmail.com]

Sent: Wednesday, November 26, 2008 10:04 AM

To: Jennings, Henry

Subject: BPC Pesticide Legislation

Dear Mr. Jennings:

Pesticide drift is a serious health hazard to humans and wildlife alike, the widest buffer zone should be mandated. GMO crops will eventually cut down on pesticide drift in that the pesticides will be produced within the plant, ah mad scientific progress thanks to Monsanto.

Sincerely T. Pietsch

Submitted in support of Maine Organic Farmer Association's platform.

Proud to be a PC? Show the world. Download the "I'm a PC" Messenger themepack now. [Download now.](#)

-----Original Message-----

From: LAUCHLIN TITUS [mailto:ltitus1@verizon.net]

Sent: Friday, November 28, 2008 9:35 PM

To: Jennings, Henry

Subject: MVSFGA comments on proposed regulation changes

Hi Henry,

Attached are comments from the Maine Vegetable and Small Fruit Growers Association regarding the proposed changes to Chpaters 10, 22, and 28.

Lauchlin Titus
1063 Main Street
Vassalboro, Maine 04989
207 873-2108

**Maine Vegetable and Small Fruit Growers Association
Lauchlin Titus, President
1063 Main Street
Vassalboro, Maine 04989**

November 28, 2008

**Henry Jennings
Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333-0028**

Mr. Jennings,

Thank you for the opportunity to comment on proposed rule changes for Chapter 10, Chapter 22, and Chapter 28. These comments are offered at the request of the Directors of the Maine Vegetable and Small Fruit Growers Association.

The very quantity and complexity of these proposed regulation changes make for a communication that is longer than I am comfortable with. Here is what we want you to take from this. Best Management Practices will resolve many of these issues. We need to encourage site specific management practices. Some of the proposed changes actually may be too specific to allow for site specific management decisions. There are laws and regulations in place that address the overriding issue. Stricter enforcement of existing language and laws may do more to resolve the actual issues at hand than some of the proposed regulation changes that result in more paperwork and burden to the vast majority of growers who are already doing an excellent job of being good neighbors.

Here are some specific points.

Chapter 10 We oppose language that defines roads as Sensitive Areas. Taken alone, this designation makes some sense. A reading of Chapter 22 forces us to express our opposition to this definition.

Chapter 22, Section 2, new C—requires site maps when sensitive areas are present. The former D language has been removed. We feel that this is a step backward. The Former D language allows for various options of obtaining the same result—site specific designation of sensitive areas and how to manage those areas. Site maps of large fields or areas may not be to a scale to offer detailed information. They seldom are if a grower attempts to create a map book with 8 1/2" X 11" paper to fit into a usable standard notebook. Larger maps with sufficient scale for detail will not go to the field with spray operators. Please inform growers of the type of information that

they need to record and allow them to do determine the best and most appropriate way for them to accomplish this. This should be a Best Management Practice option.

Chapter 22, Section 4, II (i) implies a zero tolerance for residue on sensitive areas. The Board received very good testimony from Doug Johnson when we discussed pollen drift to the effect that zero does not exist. Language should be changed to reflect this. Pesticide residue on roads may happen. Defining roads as sensitive areas and then allowing for a zero tolerance of residue is not acceptable. We feel that this is excessive and not an issue that is likely to be enforced or enforceable. We certainly agree that people on roads should not be exposed to pesticides during application. If that is the goal of the rulemaking, then alternative language that more clearly expresses that may be more acceptable.

Chapter 22, Section 4, II (iii) refers to “standards of the National Organic Program 7 CFR Part 205”. I read NOP 7 CFR Part 205 to see what (iii) means. The word standard is not defined and as used in NOP 7 CFR Part 205 does not appear relevant to this rule change language. Standards that are listed in NOP 7 CFR Part 205 relate to a growers own practices and not to events that happen to them. Our association has organic producers as members and we are sensitive to the issue of unwanted spray drift on organic farms and gardens. Spray drift may have a negative effect on a growers’ ability to market the crop – but it may not. This is a market driven issue, not an organic production standards issue. Better alternative language is needed. As it exists, the proposed language pays homage to the organic grower community, but we fail to see what it does for them. Enforcement of existing regulations can address the issue.

Most of our concerns about Chapter 28 are about a lack of flexibility. Best Management Practices will provide flexibility.

Chapter 28, Section 1 A 1 a “The landowner shall then be responsible for assuring compliance with(notification). Similar language exists further on in Section 1, B 1 a. Wow, this seems to place an undo burden on private landowners who may or may not have any knowledge at all about agricultural production practices. The intent of the rule change would seem to be to provide people who need to know about pesticide applications with the best possible information. This language does not seem to insure that. We expect that the services of a private detective will not be needed in rural Maine to determine who the operator of any given parcel of land is and the information can probably be obtained in a matter of minutes or hours.

Chapter 28, Section 1 B 2 Growers sometimes do not have 24 hours to make application decisions. Weather changes, field conditions, pest conditions, IPM considerations may force a grower to make an application decision that needs to happen in the next two hours. We suggest some sort of allowance for this. Again we suggest a Best Management Practice approach.

Chapter 28, Section 1 B 2 b Providing a neighbor with an alternate date and start time is at best a wild guess. Changing weather and field conditions after a storm event may complicate this situation.

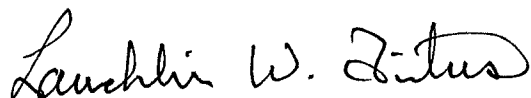
Chapter 28, Section 1 B 2 c Providing information on the material to be applied 24 hours ahead of time is problematic as well. At the point when the grower goes out to make an application IPM strategies and new weather predictions may require a management decision to use an alternative product(s).

Chapter 28 Section 1 B 4 We suggest that the Board of Pesticides Control adopt the concept and develop Best Management Practices for various situations. This is one of them. Allow a neighbor and a manager to agree on a menu of BMP's with regard to notification that works for both parties.

BPC staff kindly provided me with Appendix A from the Technical Committee Report on Drift dated November 10, 2008. This indicates that in the 10 years from 1996-2005 there were 18 verified incidences of pesticide drift in Maine that resulted in consent agreements. I have no accurate way of knowing how many spray applications took place in agriculture and forestry in that span of ten years in Maine. My crude estimate is that 8-10 million acres of land were sprayed in that time period (multiple applications to some of the acres each season to reach that total). Production of food and fiber is a necessary function that our growers provide for society. This record of 18 infractions over several millions of acres being treated is a testimonial to the good job that these people do. And – nobody died as a result of our actions. Even when agriculture has a bad day, it is safer to live next to a farm than it is to drive to town, go skiing, or go for a snowmobile ride.

Can agriculture do a better job – of course it can! Provide us with some flexibility, some good Best Management Practice protocols as tools, the ability to make site specific decisions, and punish the folks who won't conform.

Sincerely yours,

A handwritten signature in black ink that reads "Lauchlin W. Titus". The signature is written in a cursive, flowing style.

Lauchlin W. Titus, President
Maine Vegetable and Small Fruit Growers Association

-----Original Message-----

From: Robin Hansen [mailto:robinoh@suscom-maine.net]
Sent: Saturday, November 29, 2008 11:43 AM
To: Jennings, Henry
Subject: management of pesticide spray drift.

I congratulate the Board on choosing to create a buffer zone in the application of pesticides. However:

As a livestock producer and organic gardener, I urge you to approve a buffer zone of at least a quarter mile around sensitive areas (schools, organic producers, public buildings, residences, etc.) in the aerial application of pesticides and chemical fertilizers, based on the minimum acceptable in California. 200 feet is just too little distance to guard against pollution of our food supply and minimal poisoning of animals, including humans.

Robin Hansen
West Bath, Me

-----Original Message-----

From: Lacewing [mailto:green_lacewing@yahoo.com]

Sent: Sunday, November 30, 2008 12:03 PM

To: Fish, Gary

Subject: Re: IMPORTANT UPDATE RE: Extension of Public Comment Period for Proposed Changes to Regulations Governing Pesticide Drift and Aerial Spraying

Gary,

Let me try and understand this...

See Comments below in CAPS.

I just need to understand this in "laymans terms"

Thanks,

D.

(David B. King---Lic.#CMA44359)

--- On Mon, 11/24/08, Fish, Gary <Gary.Fish@maine.gov> wrote:

> From: Fish, Gary <Gary.Fish@maine.gov>

> Subject: IMPORTANT UPDATE RE: Extension of Public Comment Period for
> Proposed Changes to Regulations Governing Pesticide Drift and Aerial
> Spraying

> To: "Fish, Gary" <Gary.Fish@maine.gov>

> Cc: "Schlein, Paul B" <Paul.B.Schlein@maine.gov>

> Date: Monday, November 24, 2008, 2:54 PM IMPORTANT-PLEASE NOTE:

>

Following requests for more time to comment on proposed changes to
> three of the Maine Board of Pesticides Control's rules affecting
> pesticide drift and aerial spraying, the Board has extended the
> comment period by one week, from Wednesday, December 3, 2008, 5 pm, to
> Wednesday, December 10, 2008, 5 pm. Please see details below.

>
> Paul Schlein
> Public Information Officer
> Maine Board of Pesticides Control
> 28 State House Station
> Augusta ME 04333-0028
> 207-287-7533 Phone
> 207-287-7548 Fax
> <<http://www.thinkfirstspraylast.org>>
> <http://www.thinkfirstspraylast.org>
>
>
> _____
>
>
>
> Pesticides Board Extends Public Comment Period for Changes to
> Regulations on Drift and Aerial Spraying
>
>
>
> Proposed Rule Changes
>
>
>
> (1) Chapter 10-Definitions and Terms: amend the current rule to
> redefine Sensitive Area and create a new category, Sensitive Area
> Likely to Be Occupied, which includes public roads.
>
>
> DOES THIS MEAN I WOULD BE IN VIOLATION OF THE LAW IF THE WIND CAUSES
> SOME DRIFT INTO/ONTO A PUBLIC ROAD? OR POST APPLICATION OF AN OVERHANGING TREE LIMB DRIPS
> INTO THE ROAD?
>
>
> (2) Chapter 22-Standards for Outdoor Application of Pesticides by
> Powered Equipment in Order to Minimize Off-Target
> Deposition: amend the
> current rule to include a site map for all ground applications; to
> create a new section specific to aerial application with upgraded site
> planning requirements, including positive identification of the site,
> a site plan, and an application checklist; and to replace existing
> standards for off-target residues with a "Standard of Harm" approach.
>
>
> WOULD I NOW BE REQUIRED TO DRAW A SITE MAP OF EACH PROPERTY I TREAT?
>
>
> (3) Chapter 28-Notification Provisions for Outdoor Pesticide
> Applications: amend the current rule to allow persons up to 500 feet
> from a ground application to request general information and/or
> notification about specific applications; to allow persons up to 1,500
> feet from an aerial application to request general information and/or
> notification about specific applications; to require persons
> contracting for an aerial application within 1,000 feet of occupied
> areas to determine whether occupants desire prior notification; and to
> require posting of unmanaged public areas within 1,000 feet of aerial
> applications.
>
>
> THIS ONE IS MORE ABOUT AERIAL, WHICH IS NOT MY CONCERN USUALLY, BUT I
> HONESTLY THINK THAT 250 FEET IS ENOUGH. (IF AN APPLICATOR CAN'T KEEP DRIFT AWAY FROM A
> REGISTRANTS PROPERTY THEY HAVE NO BUSINESS SPRAYING IN THE FIRST PLACE) HOWEVER, IF THE
> DISTANCE IS INCREASED, I WOULD LIKE TO SEE THE ADDITION OF MORE FLEXIBLE NOTIFICATION
> REQUIREMENTS DUE TO THE INCREASED NUMBER OF POTENTIAL REGISTRANTS
>

> Written Comments
>
>
>
> Written comments will be accepted until 5:00 pm, December 10, 2008;
> mail comments to Henry Jennings, Director, Board of Pesticides
> Control, 28 State House Station, Augusta, ME 04333-0028, or send
> e-mail to henry.jennings@maine.gov
>
>
>
> Copies of the proposed rules, as well as details on the hearing and
> comment period, can be found at
> <http://www.thinkfirstspraylast.org/laws/rulemaking.htm>
>
>
>
> The Maine Board of Pesticides Control is the lead state agency for
> pesticide regulation. It is an administrative unit of the Maine
> Department of Agriculture, Food and Rural Resources, with policy
> decisions made by a seven-member, public board.
>
>
>
> Press Contact
>
>
>
> Paul Schlein, paul.b.schlein@maine.gov, 207-287-7533

November 14, 2008

Henry Jennings, Director
Board of Pesticide Control
28 State House Station
Augusta, ME 04333-0028

Director Jennings,

I am writing in reference to the proposed changes to the pesticide regulations and the devastating affect it would have on all blueberry farmers and farmers from all walks of life.

1. No Spray areas of 200 feet for aerial applications from sensitive areas including public roads.

I am a life long blueberry grower in North Ellsworth, Maine. I have a sixteen acre blueberry field on which I live. 600 feet of it abuts the Branch Pond Road. Your proposed legislation would not allow me to treat 2.5 acres or 16% of my field by air. This is ridiculous if the wind is blowing from the road at my field.

It is the applicators job to make the decision on how and when to spray his field. Isn't that why we go through all the training you require. I have a commercial master applicator license and have been spraying for upwards of thirty years. I have a good relationship with my neighbors and always let them know what I am spraying, when I am spraying and why I am spraying. I realize that there have been incidents and some mistakes made in the past. I think (and you must know) that applicators are doing a much better job now, than in the past. Perfection in life is unrealistic. Our number of incidents in relation to the number of applications is excellent.

A handful of people who just do not like pesticides should not be able to cripple an industry. The blueberry business is an important industry in the State of Maine by providing many jobs and benefits.

2. The zero tolerance for any residue of sensitive areas in also impossible to comply with because of possible inversions in air currents and the fact that some materials under certain conditions can volatize even after application and move in trace amounts off site. I think a reduction from 20% to 10% off target deposition would be fair.

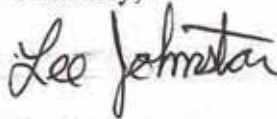
We cannot control the gasing of applications any more than you or any group of people can control where the poisonous fumes of their auto emission go. Impossible! Think about it and do the right thing!

My other huge worry is your section on notification! To make it "mandatory" to notify people at any distance, especially the increased numbers you are talking about would be crippling to all of us. People that want to be notified have the right to be on the list and be called for sure. Absolutely. We even notify people at greater distances than are currently required.

The proposed change would require us to notify mobile home parks and housing developments, and notifying that many people wouldn't leave us anytime to spray. That is just what the anti-spray group or groups want!

Farming has made many parts of Maine a beautiful place to live. What is prettier in the fall than a fire red blueberry field surrounded by beautifully colored leaf trees. If we are doing such horrible things to our environment, then why are we growing one of the healthiest antioxidant rich fruits in the world?

Sincerely,

A handwritten signature in black ink that reads "Lee Johnston". The signature is written in a cursive style with a large, stylized "L" and "J".

Lee Johnston
265 Branch Pond Rd.
Ellsworth, Maine 04605

To Maine Board of Pesticide Control
RE: Current Rule Making

Date: Nov. 16, 2008

Dear Board Members,

I live in ORLAND, adjacent to blueberry lands managed by Merrill Blueberry Farms, Inc. I understand the Board is considering substantial rule changes regarding outdoor powered applications in Chapters 10, 22, and 28 of your rules.

Merrill Blueberry Farms has done a very good job in managing the lands local to where I live. They make themselves available to answer questions I may have regarding their pest management practices. I do not see a need to change the notification procedures for farmers, which would require them to contact me annually and to generate the necessary documentation that they have done so. I would prefer that they focus on contacting me when necessary or only when requested by me or someone in my household, as current rules require.

I also understand that many other rule changes proposed take decisions about pest management out of the hands of the farmer and limit their flexibility to adjust to weather conditions. As one who lives close to managed farmland, I ask that you address the concerns these pest managers have with your proposed rules. It is my observation that Maine farmers currently do a very good job managing pests. Maine farmers should be able to make pest control application decisions in order to meet the food quality demands of customers without being in fear of rule violations.

Between their professionalism and the Board's current rules, the balance between pest management and public concerns are being met for the vast majority of our citizens. If the Board determines rules need to be changed, they should be changed to make them more flexible and less prescriptive, and therefore more adaptable for knowledge-based pest management systems which have historically been and are currently being practiced successfully by Maine farmers.

Thank you for incorporating these comments into your rule making decisions.

Sincerely,

(print) S. Wayne Ames

(print) Goodwin Ames

(print) Colleen Ames

(print) Thomas Ames

(print) Scott Ames

(print) Terry Ames

(print) Kevin Ames

(print) Charles Boyle

(sign) S. Wayne Ames

(sign) Goodwin Ames

(sign) Colleen Ames

(sign) Thomas Ames

(sign) Scott Ames

(sign) Terry Ames

(sign) Kevin Ames

(sign) Charles Boyle

To Maine Board of Pesticide Control
RE: Current Rule Making

Date: 11/18/06

Dear Board Members,

I live in Hancock, adjacent to blueberry lands managed by Merrill Blueberry Farms, Inc. I understand the Board is considering substantial rule changes regarding outdoor powered applications in Chapters 10, 22, and 28 of your rules.

Merrill Blueberry Farms has done a very good job in managing the lands local to where I live. They make themselves available to answer questions I may have regarding their pest management practices. I do not see a need to change the notification procedures for farmers, which would require them to contact me annually and to generate the necessary documentation that they have done so. I would prefer that they focus on contacting me when necessary or only when requested by me or someone in my household, as current rules require.

I also understand that many other rule changes proposed take decisions about pest management out of the hands of the farmer and limit their flexibility to adjust to weather conditions. As one who lives close to managed farmland, I ask that you address the concerns these pest managers have with your proposed rules. It is my observation that Maine farmers currently do a very good job managing pests. Maine farmers should be able to make pest control application decisions in order to meet the food quality demands of customers without being in fear of rule violations.

Between their professionalism and the Board's current rules, the balance between pest management and public concerns are being met for the vast majority of our citizens. If the Board determines rules need to be changed, they should be changed to make them more flexible and less prescriptive, and therefore more adaptable for knowledge-based pest management systems which have historically been and are currently being practiced successfully by Maine farmers.

Thank you for incorporating these comments into your rule making decisions.

Sincerely,

(print) Diane E. Wilbur

(sign) Diane E. Wilbur

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To Maine Board of Pesticide Control
RE: Current Rule Making

Date: 11-19-2008

Dear Board Members,

I live in GREAT Pond, adjacent to blueberry lands managed by Merrill Blueberry Farms, Inc. I understand the Board is considering substantial rule changes regarding outdoor powered applications in Chapters 10, 22, and 28 of your rules.

Merrill Blueberry Farms has done a very good job in managing the lands local to where I live. They make themselves available to answer questions I may have regarding their pest management practices. I do not see a need to change the notification procedures for farmers, which would require them to contact me annually and to generate the necessary documentation that they have done so. I would prefer that they focus on contacting me when necessary or only when requested by me or someone in my household, as current rules require.

I also understand that many other rule changes proposed take decisions about pest management out of the hands of the farmer and limit their flexibility to adjust to weather conditions. As one who lives close to managed farmland, I ask that you address the concerns these pest managers have with your proposed rules. It is my observation that Maine farmers currently do a very good job managing pests. Maine farmers should be able to make pest control application decisions in order to meet the food quality demands of customers without being in fear of rule violations.

Between their professionalism and the Board's current rules, the balance between pest management and public concerns are being met for the vast majority of our citizens. If the Board determines rules need to be changed, they should be changed to make them more flexible and less prescriptive, and therefore more adaptable for knowledge-based pest management systems which have historically been and are currently being practiced successfully by Maine farmers.

Thank you for incorporating these comments into your rule making decisions.

Sincerely,

(print) David E. Honey Sr

(sign) David E Honey Sr

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To Maine Board of Pesticide Control
RE: Current Rule Making

Date: 11-22-08

Dear Board Members,

I live in Hancock, adjacent to blueberry lands managed by Merrill Blueberry Farms, Inc. I understand the Board is considering substantial rule changes regarding outdoor powered applications in Chapters 10, 22, and 28 of your rules.

Merrill Blueberry Farms has done a very good job in managing the lands local to where I live. They make themselves available to answer questions I may have regarding their pest management practices. I do not see a need to change the notification procedures for farmers, which would require them to contact me annually and to generate the necessary documentation that they have done so. I would prefer that they focus on contacting me when necessary or only when requested by me or someone in my household, as current rules require.

I also understand that many other rule changes proposed take decisions about pest management out of the hands of the farmer and limit their flexibility to adjust to weather conditions. As one who lives close to managed farmland, I ask that you address the concerns these pest managers have with your proposed rules. It is my observation that Maine farmers currently do a very good job managing pests. Maine farmers should be able to make pest control application decisions in order to meet the food quality demands of customers without being in fear of rule violations.

Between their professionalism and the Board's current rules, the balance between pest management and public concerns are being met for the vast majority of our citizens. If the Board determines rules need to be changed, they should be changed to make them more flexible and less prescriptive, and therefore more adaptable for knowledge-based pest management systems which have historically been and are currently being practiced successfully by Maine farmers.

Thank you for incorporating these comments into your rule making decisions.

Sincerely,

(print) Cheryl McFarland

(sign) Cheryl McFarland

(print) Jeff McFarland

(sign) Jeffrey McFarland

(print) David McFarland

(sign) David McFarland

(print) Daniel McFarland

(sign) Dan McFarland

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To Maine Board of Pesticide Control
RE: Current Rule Making

Date: 11/25/08

Dear Board Members,

I live in Waltham, adjacent to blueberry lands managed by Merrill Blueberry Farms, Inc. I understand the Board is considering substantial rule changes regarding outdoor powered applications in Chapters 10, 22, and 28 of your rules.

Merrill Blueberry Farms has done a very good job in managing the lands local to where I live. They make themselves available to answer questions I may have regarding their pest management practices. I do not see a need to change the notification procedures for farmers, which would require them to contact me annually and to generate the necessary documentation that they have done so. I would prefer that they focus on contacting me when necessary or only when requested by me or someone in my household, as current rules require.

I also understand that many other rule changes proposed take decisions about pest management out of the hands of the farmer and limit their flexibility to adjust to weather conditions. As one who lives close to managed farmland, I ask that you address the concerns these pest managers have with your proposed rules. It is my observation that Maine farmers currently do a very good job managing pests. Maine farmers should be able to make pest control application decisions in order to meet the food quality demands of customers without being in fear of rule violations.

Between their professionalism and the Board's current rules, the balance between pest management and public concerns are being met for the vast majority of our citizens. If the Board determines rules need to be changed, they should be changed to make them more flexible and less prescriptive, and therefore more adaptable for knowledge-based pest management systems which have historically been and are currently being practiced successfully by Maine farmers.

Thank you for incorporating these comments into your rule making decisions.

Sincerely,

(print) Gilbert Jordan Jr

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-----Original Message-----

From: Trout [mailto:pegtrout2001@yahoo.com]

Sent: Tuesday, December 02, 2008 8:36 PM

To: Jennings, Henry

Subject: I am puzzled about the Pesticide application changes.

Dear Mr. Jennings:

I'm looking at the pdf file of proposed changes, and see that in section BBB, Items 1 thru 4 are deleted, and do not see where they are elsewhere addressed, in a "new" category? Is it, A "Sensitive Area Likely to Be Occupied"?

And, where, please, may I locate the training and certification procedures for the staff who will apply the pesticides.

I'm not certain if it was you with whom I spoke regarding the railroad spraying earlier this year, but I can tell you this -- it did no good. Those wildflowers and "weeds" are strong. Not so the people living next to the tracks, which, here in Rockland, is a significant part of the population. I noted that day, that the pesticide application took longer than hand-pulling in the areas where plant growth created hazards.

I must ask just what the department is spraying for? What needs elimination? Surely, there must be different application methods, and pesticides used for different sections of Maine, dependent upon the need. But again - what need?

It was only late in August that we saw more than one honeybee in the yard, and then, only three. We are aware of the diseases effecting them, but even with that, their disappearance was striking, and certainly effected our vegetable and flower garden.

I am, we are concerned, Mr. Jennings, that pesticides might continue to be applied even when they are not necessary. And, believe me, Mr. Jennings, there was an overgrowth of mosquitos downtown this summer that I would have given anything to have eliminated. I even know one of the source-points, which, oddly, seems to have been around the front left stone bench nearest Main Street, in front of the Freddie's stand -- in that nice small area. I know, because I sat there every Wednesday for weeks until I could stand the swarms of mosquitos no longer. When I say swarms -- I mean, swarms. I've lived in the south and have only there experienced such a dangerous number of mosquitos, and then, only before the malathiazone? spraying truck came by. I know retailers complained as well -- because the mosquitos were plaguing all of Main Street, but nothing was done. Not even basic, non-pesticide remediation, as far as I am aware. Too much/too little. It's a balance.

Sincerely,
Maggie Trout

12/5/2008

Mr. Jennings,

Thank you for giving me the opportunity to submit my thoughts on the proposed changes to the Board of Pesticide Control rules in chapters 10, 22, and 28.

I am General Manager of Merrill Blueberry Farms, Inc. in Hancock. We are both a grower and a processor of wild blueberries. As a company and a family, we have farmed and processed wild blueberries since 1925. It is my belief that the proposed changes by the Board of Pesticide Control will be extremely detrimental to the wild blueberry industry as overall blueberry crop yields and yields per acre will decrease while field maintenance expenses to growers will increase. Furthermore, the proposed changes will quite possibly have unforeseen side-effects and could ultimately produce the opposite effect of their intent.

Chapter 10 proposed changes that I take issue with:

An overall change is to create a 200 foot buffer from areas identified as "Sensitive Areas Likely to be Occupied (SALO)". An applicator performance-based course of action is preferred over maintaining a static, arbitrary buffer distance. A major change proposed in this rule would be to also include public roads as sensitive areas likely to be occupied. If this change is enforced, **wild blueberry land that borders a public road would have to be given a 200 foot buffer from any aerial spraying.** In essence, a land owner would lose a 200 foot-deep section of their blueberry land for the entire length that borders a public road. If the wind is blowing in a favored direction, the applicator should be able to make the decision to spray or not and to determine an appropriate boundary, versus relying on the arbitrary buffer distance to accommodate drift. Aerial applicators have always used their experience and best judgment to simply not spray if vehicles are approaching, and to determine the wind direction when spraying near a public road. Helicopter pilots are the best to make decisions when and where to spray and control should not be taken out of their capable hands. This change will take away decisions and control by these experienced pilots and force them to instead rely on arbitrary buffer distances.

A major problem with this proposed change is that farmers would lose the ability to effectively use a widely-adopted Integrated Pest Management (IPM) tool known as perimeter treatment. Treating only the perimeter of a field with pesticide allows much less chemical to be applied, while still being extremely effective. Because a field borders a public road, the perimeter would not get treated under the proposed rule change. The fruit fly would infest the untreated perimeter, which means that the entire field would need to be treated to effectively destroy the pests. That same fruit fly would migrate to neighboring fields and other crops, and it would become a much larger problem. Perimeter treatment was a win-win discovery that was quickly incorporated into all Integrated Pest Management programs and wholeheartedly embraced by the Board of Pesticide Control because it reduced application amounts. Reducing or eliminating this tool is a serious step backwards, and goes against the charge of the BPC which is to reduce the use of pesticides.

An argument I heard at the public hearing for this rule change was that in California, there are buffer standards of ½ mile from roads. Crops in California may be uprooted and moved ½ mile away from roads if needed, but wild blueberries cannot be transplanted. They grow wild to a point of absolute stubbornness, and simply cannot be removed and planted elsewhere. Wild blueberries have existed in those exact locations long before the roads were there.

Another area of concern with this proposed rule change is because of the inclusion of ATV/Snowmobile trails as recreation areas, a possible side-effect of this ruling is that land owners who intend to spray their blueberry fields would have to decide to either enforce a 200 foot buffer around all recreational trails and roads within the borders of the blueberry fields or to deny access to all ATV riders, snowmobilers, hunters, hikers, skiers, and anyone who is currently granted permission to use the trails or roads within the field borders. Blueberry land owners have always had good relationships with hunters and ATV/Snowmobile clubs and would be forced to deny them access to recreational land because of this ruling.

Lastly, this could have repercussions against all other agricultural farming that is close to public roads (such as apples and potatoes), golf courses that border public roads, Christmas tree farms, landscaping and nurseries businesses, and highway crews that routinely use herbicides on the sides of roads.

I feel no changes should be made to the current buffer rules, and to definitely not include public roads and trails that are used as recreation as Sensitive Areas Likely to be Occupied.

Chapter 22 proposed changes that I take issue with:

Prima Facie (self evident) limit of pesticide residue on off-target areas would be taken from 20% to zero. This is a substantial change that is both unreasonable and potentially devastating to the wild blueberry industry. A "zero-tolerance" limit is unreasonable, as microscopic amounts of residue could be found as detection technologies are improving to the level where even a single molecule can be detected. Chemical residue could be placed as an act of sabotage, or a false-positive reading from other chemical sources such as spraying of a nearby blueberry field by a different grower or another agricultural crop that has been sprayed, golf course application treatments by powered equipment, residential and commercial sprayings for pests such as Lyme-disease bearing ticks or lawn-maintenance chemicals, chemicals found in vehicle or industrial manufacturing exhaust, or even general consumer sprays that may use a trace amount of the same chemical compounds such as Round-Up®, etc...could potentially be found. **There is no scientific reason to change the off-target residue limit from 20 or to reduce it.**

Chapter 28 proposed changes that I take issue with:

Currently, if any resident requests, land managers are required to notify that resident before the field is sprayed. Land managers keep a listing of the people who want to be notified and either call or visit the residence prior to spraying taking place. This system has worked without major incident for many years. The Board of Pesticide Control is proposing changes that would change this to be a **mandatory notification act (instead of upon request) and to set the mandatory notification distance to 1000 feet for aerial application.** That means the land manager would need to research, obtain, and maintain a listing of all residences within 1000 feet of a blueberry field and call, mail, or visit every one of those residents annually. The mandatory notification requirement and expanded distance would add numerous more residents to contact prior to an aerial spraying and would translate into additional costs to the field owners as part of crop maintenance expenses. Imagine the administration effort to contact every resident of every house, apartment building, and trailer park within 1000 feet of Maine's 60,000 acres of blueberry fields...annually. Another factor to consider is the ever-changing weather and wind that actually determines if fields can be sprayed on a certain day. The variable winds may necessitate the spraying to be postponed several days. Land managers would then need to contact all the same people again with an update to the timetable. This would create a highly unmanageable, high-maintenance system of paperwork and repeat phone calls that would not serve a worthwhile purpose, because the current system of notification upon request is working absolutely fine. The vast majority of residents who live near blueberry fields support the current notification system. **I support an opt-in, online registration system to alert area residents who wish to be informed when and what crop applications will take place.**

Another proposed change is to **require land managers to post notification signs in public areas stating that spraying will take place on a specified day will need to be visible 24-48 hours before spraying.** This is difficult because weather conditions change daily if not hourly. If we think we can spray a particular field on a Monday, but then there is high wind for 3 days, the spraying may not take place until Thursday. This will result in a lot of hours and miles on vehicles to put signs up, take signs down, change dates, put them up again, etc... A helicopter can spray dozens of fields in a single day, but it all depends on the wind speed and wind direction. So, if there are 2 dozen fields scheduled to be sprayed on a particular day, but wind or weather conditions inhibit the application on that day, the affected signage will need to be changed. This will pose significant logistical problems and again drive administrative costs for crop maintenance because of the added labor and travel expenses.

Overall: All these proposed changes are obvious stepping stones by activist groups to banning aerial crop applications and eventually all pesticide use completely. Instead of unnecessary changes to existing rules and regulations that have been working successfully for many years, the Board of Pesticide Control should rely on the University of Maine's research and recommendations, good historical performance records on application, scientific facts, experience and judgment of competent pilots, and common sense regulations instead of giving in to individuals who are armed with false perceptions and who support subjective and

arbitrary rule changes. Blueberry land managers have been incorporating Integrated Crop Management (ICM) and Integrated Pest Management (IPM) systems for many years without major incident or inciting cause for changing crop protectant application regulations. These proposed changes will move the industry away from ICM and IPM systems, which will effectively undo all the industry advancements that are attributed to today's knowledge-based farming methods. ICM and IPM systems have allowed wild blueberry growers to use less pesticides and achieve a lower number of applications, while increasing crop yields. These proposed rules would take the wild blueberry farming industry backwards, not forward.

Today's efficient standards are only possible because of the University of Maine's research findings and subsequent recommendations. Aerial application continues to be the most effective, most efficient means of applying crop protectant. Tractor or ground-applied crop protectant is much more costly, would literally crush 10-20% of blueberries under tires, would take much longer, use an unimaginable amount of tractor and trucking fuel, can result in higher chemical drift, and would put the spray decisions on a multitude of tractor operators instead of a few seasoned helicopter pilots. Not only that, but hilly, rough, and rocky blueberry land in Hancock, Waldo, and Penobscot counties does not easily lend itself to land-leveling and tractor-applied applications like some of the land in Washington county. Because of that, we simply cannot substitute ground-applications for aerial like some land owners did in Washington County. We need to efficiently apply crop protectant using helicopters and we should keep aerial application regulation as-is.

I understand citizens' concerns about perceived harm with pesticide applications. Citizens need to be educated that today's standards are much safer and nothing compared with 20 or even 10 years ago. Gone are the days of indiscriminant "crop-dusters" who barnstorm over fields and residences with a dangerous cocktail of chemicals and apply them whether a crop issue actually exists or not. Today's methods are sharply honed, backed by scientific research, applied only when a crop irritant actually exists, specific to the pest discovered, and the chemicals are heavily diluted. Because wild blueberries are a bi-annual crop, pesticides are only applied every 2 years to a field. Helicopter pilots are extremely competent, experienced, and highly attune to existing buffers, sensitive areas, and potential drift situations. Aerial application is not strictly a "low-cost, high-drift" method. Aerial application is lower cost, when compared with ground applications, true...but that is thanks to many years of biological research and testing to get us where it is today, and because of its accuracy and efficiency of removing crop irritants. Today's farmers are extremely conscientious and considerate of bordering residents, recreationists, organic farmland, and continue to research less-intrusive and more effective crop protectants and farming techniques.

Consequences of the proposed changes will likely include (but are certainly not limited to):

- Substantial loss of harvestable wild blueberry acreage, which leads to less wild blueberries harvested. The loss of crop would stem from land lost due to increased SALO and public road buffers, and also tractor tires crushing berries. Farmers have made significant gains in the past 30+ years to grow Maine's wild blueberry crop to the size it is today. Please don't let this be reduced to the lower levels of the past.
- Higher expenses for field owners and growers. If field managers are forced to apply crop protectants by land, many more labor hours will be involved...both to physically apply the protectant via ground, and to notify neighboring residents and the subsequent documentation effort involved. If a farmer currently doesn't have the means to apply pesticides via a tractor, they would have to invest in equipment (or pay someone else) to apply the crop protectant.
- For wild blueberry processors, there will be less berries to sell, thus lower profits, which will inevitably lead to layoffs, less company purchases, and less taxes paid into the state's economy. There are USDA standards that require low maggot counts in fruits in order to sell them, especially across national borders. If field managers can't spray, there will be fruit fly maggots and those berries would have to be destroyed.
- More carbon emissions. Ground-based applications would mean lots of tractors and more fuel used than a helicopter, and consequently more carbon emissions. Not to mention the trucking to move tractors from field to field.
- More physical days of spraying. Helicopters can spray dozens of fields in a single day. Tractors cannot. In fact, a single tractor might take an entire day to spray what a helicopter can spray in 15 minutes. Instead of only a few days of the year when spraying is actually going on by helicopters, spraying by tractor will need to take place practically every day in the spring and summer. How many

abutting residents would like to have a tractor take multiple days to spray a large field when it could have taken less than an hour by air?

- Increase in the amount of pesticides used. Because crop protectant is most effective (against the fruit fly) by applying it around the perimeter of a field, if that perimeter borders a public road, 200 feet of that perimeter would be useless and highly susceptible to fruit fly infestation and extreme decimation of the crop. Pests would indeed infest the 200 feet, and consequently the rest of the field and spread to other fields nearby. Therefore the entire field would need to be treated instead of just a perimeter treatment. This would require more chemicals per crop acre than spraying just the perimeter. This is a very backwards-thinking rule change proposed.
- Timing sensitivity would be upset. Because there are very narrow windows from the onset of detection of the presence of certain pests (fungus, disease, fruit fly) and eliminating that pest before the crop is destroyed, it will literally be impossible to spray all affected fields by land within that time window to be effective. I realize this is exactly what the proponents of the rule changes want, but this will open the door for hastily applied sprays, which is much more dangerous than controlled aerial application. Or "combination" mixtures of chemicals for a single treatment will need to be implemented, even if all chemicals are not truly needed. Another thought is that possible "rogue" growers would attempt to apply chemicals themselves trying to save money and their crop. Again, this is just backwards-thinking with the proposed rule changes.
- Opposition by not just the blueberry industry, but tree farmers, landscapers, apple farmers, potatoes farmers, and all other vegetable farmers who use pesticides within the state's agricultural and forestry community. There will be pressure against golf courses, commercial pesticide companies for residential lawn treatments, tree/plant nurseries, landscaping companies and the like. Also, the aforementioned recreation groups such as ATV/Snowmobile clubs and also hunters. These proposed changes are much farther reaching than perceived.
- Requests for cost-reimbursement or compensation for lost crop yields. In order to meet the demands of the proposed rules, growers would need to purchase new application equipment and hire more labor or pay others to apply the crop protectant, else risk harvesting significantly less fruit and vegetables. Fruit and vegetable processors have contractual demands to sell specified quantities to their customers on an annual basis. Land-leases are in place, to secure the fruits and vegetables to meet these demands. Land leases are often paid at a per-harvestable acre amount or a total crop yield amount. If acres are lost (such as due to the public road buffer), both the land leasee and land lessor would need to be compensated for the balance of product and contracted sales lost. This would necessitate a government reimbursement, supplements, or significant tax credits in order to offset the added costs or loss of harvest yield, due to the proposed rule changes.

I implore you to consider the above arguments to these proposed rule changes. The proposed rule changes will have a far-reaching and resounding impact to not only the wild blueberry industry, but all other fruits, vegetables, and farming industries in the entire state of Maine. As a blueberry grower and processor, these are substantial changes proposed that would affect us and all others in the industry greatly. I urge you to reconsider these proposed changes or postpone their adoption until either more research is done or economic impact studies are undertaken. You could cripple several of Maine's large industries by passing these proposed changes. These are serious changes that will likely have grave consequences, so they should be individually examined for their merit based on science and research, instead of perception and lack of understanding.

I appreciate the opportunity to submit these comments, and thank you for incorporating them into your rule-making decisions.



Todd Merrill
General Manager, Merrill Blueberry Farms, Inc.
Hancock, Maine.